FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT NAGPUR
CIVIL APPLICATION NO:1566/2006 in FIRST APPEAL NO: 456/2005
(Divl. Manager New India Assurance Co. vs. Smt.Anita wd/o Manikrao Parate and others)

Office Notes, Office Memorandum of Coram appearances, Court's orders of directions and Registrar's orders.

Court's or Judges Order

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Mr. A.J.Pophaly, Adv.for applicant

CORAM: SMT. Vasanti A. Naik, J.
DATED: 27th AUGUST, 2007.

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Heard.

By this Civil Application, the applicants /respondents 5 and 6 seek modification of the order passed by this Court on 22.8.2005 as the respondents 5 and 6 were neither served nor heard when the order dated 22.8.2005 was passed. It is stated in the Civil Application that the Motor Accident Claims Tribunal directed the appellant to pay 70 % of the compensation to the respondent no.1- wife and 30 % of the compensation to respondents 5 and 6 i.e. parents of the deceased. It appears that respondents 5 and 6 are extremely old and poor and are not in a position to furnish solvent surety/

security for withdrawal of 50 % of the amount which falls to their share in terms of the order passed by the M.A.C Tribunal.

In the facts and circumstances of the case, it would be necessary in the interest of justice to permit respondent nos. 5 and 6 to withdraw an amount of Rs. 50,000 without furnishing any solvent surety/ security. The balance amount be placed in the fixed deposit account in any nationalised bank, as directed by this Court by the order dated 22.8.2005. Civil Application is allowed on the aforesaid terms and disposed of.

JUDGE

sahare